IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20949 of 2004

Between:

B.Venkateswara Reddy, s/o B.Venkata Reddy,
r/o H.No.40/814-7B, Srinivasa Nagar, Kurnool-518 004.

..... PETITIONER

AND

1 The District Collector, Kurnool District, Kurnool.
2 The Mandal Revenue Officer, Kurnool, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue writ order or direction more particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents in not considering the representation submitted by the petitioner on 29-10-2004 to the respondents requesting them to hand over the possession of the house site duly making fit for construction in respect of Plot 0.2 in Sy.No.133/8 admeasuring 5 1/2 cents of Joharapuram Village, Kurnool Mandal and District, as illegal, arbitrary and unjust and consequently direct the respondents to forthwith handover the possession of the aforesaid site by making it fit for construction, and to grant such other relief or reliefs.

Counsel for the Petitioner:MR.EDIGA MALLIKARJUNA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

Petitioner claims to have been allotted house site patta on payment of market value of Rs.2,750/- in respect of plot No.2, admeasuring five and half cents in Sy.No.133/8 of Joharapuram Village, Kurnool District by the second respondent through proceedings dated 14.12.1999. According to the petitioner, since the site allotted to him is located exactly on the bund of a tank, which is not fit for construction of house, he made a representation on 29.10.2004 to the respondents to handover the physical possession of the site after levelling and making it fit for construction. This writ petition is filed complaining inaction on the part of the respondents in considering the said representation.

It is needless to observe that once the property is allotted and sold on payment of market value, the respondents are bound to handover the physical possession of the same, but no direction can be issued to level and make the plot fit for construction. However, it is for the respondents to consider and pass appropriate orders on the representation submitted by the petitioner on 29.10.2004.

With the above observation, the writ petition is dismissed. No costs.

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A. GOPAL REDDY. J.

16th November, 2004

tsr.

To

1 The District Collector, Kurnool District, Kurnool.
2 The Mandal Revenue Officer, Kurnool, Kurnool District.

3. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

4. Two C.D. copies.